

EEO COUNSELOR'S REPORT For use of this form see AR 690-600, the proponent agency is OSA.		1. DA DOCKET NUMBER ARDETROIT17FEB000469	
PRIVACY ACT STATEMENT (5 U.S.C. §552a)			
AUTHORITY: Public Law 92-261		PRINCIPAL PURPOSE: Used for processing of complaints of discrimination because of race, color, national origin, religion, sex, age, physical and/or mental disability, or reprisal by Department of the Army civilian employees, former employees, applicants for employment and some contract employees.	
ROUTINE USES: Information will be used (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts; (b) to respond to general requests for information under the Freedom of Information Act; (c) to respond to requests from legitimate outside individuals or agencies (White House, Congress, Equal Employment Opportunity Commission) regarding the status of a complaint or appeal; or (d) to adjudicate complaint or appeal.			
DISCLOSURE: Voluntary, however, failure to complete all appropriate portions of this form may lead to delay in processing and/or rejection of complaint on the basis of inadequate data on which to continue processing.			
SECTION I - PRE-COMPLAINT INTAKE INTERVIEW			
2. NAME OF AGGRIEVED (Print-Last, First, Middle Initial) DaSilva, Joe Jr.		3. JOB TITLE Fire Fighter/EMT	
4. PAY PLAN/SERIES/ GRADE GS-0081-07 (7)	5. DUTY ORGANIZATION (Complete address including office symbol) Detroit Arsenal Fire Department 6501 E. Eleven Mile Road, Building 203 Warren, MI 48397		
6. WORK TELEPHONE (586) 282-6448	7. HOME TELEPHONE [REDACTED]	8. HOME ADDRESS [REDACTED]	
9. DATE OF ALLEGED DISCRIMINATORY ACTION (YYYYMMDD) 20170203	10. 45TH CALENDAR DAY AFTER EVENT (YYYYMMDD)	11. REASON FOR DELAYED CONTACT BEYOND 45 DAYS, IF APPLICABLE	
12. DATE OF INITIAL CONTACT WITH EEO OFFICIAL (YYYYMMDD) 20170206	13. 30TH CALENDAR DAY AFTER INITIAL CONTACT WITH EEO OFFICIAL (YYYYMMDD)	14. 90TH CALENDAR DAY AFTER INITIAL CONTACT WITH EEO OFFICIAL (YYYYMMDD)	15. DATE COUNSELING EXTENSION GRANTED, IF APPLICABLE (YYYYMMDD)
16. DATE PRE-COMPLAINT INTAKE INTERVIEW CONDUCTED (YYYYMMDD) 20170209		17. PRE-COMPLAINT INTAKE INTERVIEW CONDUCTED: <input type="checkbox"/> Telephonically <input checked="" type="checkbox"/> In-Person <input type="checkbox"/> Other (facsimile/e-mail)	
SECTION II - ORGANIZATION WHERE ALLEGED DISCRIMINATION OCCURRED (Complete address including office symbol)			
Detroit Arsenal Fire Department 6501 E. Eleven Mile Road Warren, MI 48397			
SECTION III - RESPONDING MANAGEMENT OFFICIAL(S) INFORMATION (Include name, complete work address and phone number if known.)			
Sean Edwards, Fire Chief Detroit Arsenal Fire Department 6501 E. Eleven Mile Road, Building 203 Warren, MI 48397 [REDACTED]			
Martin Potter, Assistant Fire Chief Detroit Arsenal Fire Department 6501 E. Eleven Mile Road, Building 203 Warren, MI 48397 [REDACTED]			

SECTION IV - BASIS OF COMPLAINT <small>(Identify specific race, color, religion, national origin, disability, age, sex, or reprisal if alleged.)</small>			
<input type="checkbox"/> RACE _____ <input type="checkbox"/> AGE _____	<input type="checkbox"/> COLOR _____ <input type="checkbox"/> DATE OF BIRTH _____	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> NATIONAL ORIGIN Brazilian	<input type="checkbox"/> RELIGION _____ <input type="checkbox"/> DISABILITY <input type="checkbox"/> Mental <input type="checkbox"/> Physical
<input checked="" type="checkbox"/> REPRISAL December 2015 <div style="text-align: right; font-size: small;">(Date(s) of prior EEO activity)</div>			
SECTION V - MATTER (s) GIVING RISE TO COMPLAINT <small>(Specify who, what, where, and when.) (Use additional sheet of paper if necessary.)</small>			
<p>Was aggrieved discriminated against and subjected to a hostile work environment based on National Origin (Brazilian) and reprisal (December 2015) when the following incidents occurred?</p> <p>a. On 2 February 2017 - Aggrieve alleges Chief Potter rated him as a "2" Successful vs "1" Excellent. Aggrieved stated there was some disparity when he and two other Fire Fighters submitted their input for performance evaluations. He mentioned three FFs were late submitting bullets, when two were reprimanded for late submissions, including the aggrieved. Their comments from Chief Potter was basically, "...one day late is unacceptable. Please ensure tasks are accomplished within set timelines." While one other FF was told, "I appreciate you acknowledging the overdue task. Please ensure tasks are accomplished in set time lines." Aggrieved stated all three FFs were late submitting the bullets as they sat side-by-side completing the task. Aggrieved stated when he received the "2" and requested to discuss it with his 2nd line (Chief Edwards), Chief Potter stated that Chief Edwards agreed with him and had already signed the performance evaluation (DA Form 7223 BASE System Civilian Evaluation Report).</p> <p>b. On 3 February 2017 - Aggrieve alleges Chief Edwards made the following comment after he (the aggrieved) picked up lunch for co-workers and the Chief: "Do not touch my food DaSilva!"; "Do not touch my drink DaSilva!"; and "Thanks for the Hepititus C DaSilva!" Aggrieved stated he mentioned to Chief Edwards he had to put the cap on his pop when he made the drinks for everyone, yet, the Chief was loud and rude. The aggrieved states he is uncomfortable everyday and that Chief Edwards ostracizes/ignores him daily.</p> <p>c. On or about 25 January 2017- Aggrieved stated he requested to attend the Fire Officer I course and Chief Potter denied the training.</p> <p>d. On or about 6 January 2017- Aggrieved stated Chief Edwards made the following comment in the kitchen in front of his peers: "DaSilva I don't like you. I just have to work with you." The aggrieved further mentioned his concerns with Chief Edwards behavior since he (Chief Edwards) is the Reviewer of his performance evaluation.</p> <p>e. From time-to-time during lunch/dinner in the kitchen and depending on the topic of the conversation, Chief Potter will say, "put on a bra. You ought to put on a 38B." Aggrieved stated this happens periodically.</p>			
SECTION VI - RELIEF SOUGHT			
<p>Aggrieved would like to attend the Fire Officer I course; changed performance evaluation from "2" Successful to a "1" Excellent; request a closer look at how management evaluates subordinates (which may include training on Conducting mid-term evaluations and end-of-year performance evaluations); updated information on the upcoming Reduction-in-Force; and request Chief Edwards be removed from his chain of command.</p>			

SECTION VII - RIGHTS AND RESPONSIBILITIES

THE AGGRIEVED WAS PROVIDED WITH THE AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES NOTICE AND WAS SPECIFICALLY ADVISED OF THE FOLLOWING:

- ☒ The basis (es) for filing pre-complaint, formal complaint, and/or class complaint, and of right to file a formal complaint of discrimination.
- ☒ The pre-complaint, formal and/or class complaint process.
- ☒ The 45-day calendar requirement from effective date of personnel action or of the date of the matter alleged to be discriminatory.
- ☒ The role of the EEO counselor, including that the counselor is not an advocate for either the aggrieved person or the agency and acts strictly as a neutral.
- ☒ The activity's Alternate Dispute Resolution (ADR) Program and right to elect either ADR (*if offered*) or traditional EEO counseling.
- ☒ The right to remain anonymous during the pre-complaint process.
- ☒ The right to representation throughout the complaint process.
- ☒ Responsibility of the aggrieved to notify the EEO office in writing of any change in address and/or phone number.
- ☒ Responsibility of the aggrieved to notify the EEO office in writing of non-attorney or attorney representation, including address and phone number.
- ☒ The possible election requirement between a negotiated grievance procedure, MSPB procedure and the EEO complaint process.
- ☒ The election options in age and wage-based discrimination complaints.

SECTION VIII - ELECTION OF REPRESENTATION

☐ ATTORNEY ☐ NON-ATTORNEY ☐ NON-REPRESENTATIVE

NAME OF REPRESENTATIVE

ADDRESS

TELEPHONE NUMBER

FAX

E-MAIL

SECTION IX - ALTERNATE DISPUTE RESOLUTION (ADR)

☐ Matter determined not appropriate for ADR

(Aggrieved must sign and date)

☒ Matter determined appropriate for ADR

JA 2-28-17
(EEO Officer must initial and date)

☒ Wishes to participate in ADR, if offered

JA 2-13-17
(EEO Officer must initial and date)

Date of written offer of ADR

20170209

Date of Agreement to Participate in ADR

20170213

Name of assigned ADR facilitator/mediator

Lisa Olney

Date ADR facilitator/mediator assigned

20170229

Result of ADR:

- ☐ ADR was successful. Negotiated settlement agreement, signed on _____ (YYYYMMDD), is attached.
- ☐ ADR was not successful. The aggrieved was issued a Notice of Right to File a Formal Complaint of Discrimination on _____ (YYYYMMDD) and notified of requirement to file a formal complaint within **15 calendar days** after receipt of Notice of Right to File. The aggrieved was provided a DA Form 2590, Formal Complaint of Discrimination.

SECTION X - TRADITIONAL EEO COUNSELING (EEO official to complete only those which apply.)

- ☐ Election of traditional counseling.
Name of assigned EEO counselor _____
Date EEO counselor assigned _____
- ☐ Election to remain anonymous.
- ☒ Election to waive right to remain anonymous.
- ☐ Declined to pursue matter under Title VII.

SECTION XI - WITNESS INQUIRY

a. **Witness Information** *(List all witness data here. Number sequentially and include name, title, organization, phone number, and relevant basis(es) information)*

Jeffrey Hall, Captain, Detroit Arsenal Fire Department, 282-6448, witnessed comments made by Chief Edwards
Jonathan Perkins, Detroit Arsenal Fire Department, 282-6448, witnessed comments made by Chief Edwards
Michael Fern, Detroit Arsenal Fire Department, 282-6448, witnessed comments made by Chief Edwards on 3 Feb 17
Matthew Holtyn, Detroit Arsenal Fire Department, 282-6448, witnessed comments made by Chief Edwards on 6 Jan 17
Adam Todd, Detroit Arsenal Fire Department, 282-6448, witnessed comments my Chief Edwards on 6 Jan 17
Leslie Tillman, Asst Chief, Detroit Arsenal Fire Department, 282-6448, witnessed comments made by both Chief Edwards and Potter.

b. **Witness Statements**